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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,682	12/31/2003	Brian Andrew Phillips	2043.035US1	2158
49845 7590 12/28/2006 SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH/EBAY P.O. BOX 2938 MINNEAPOLIS, MN 55402			EXAMINER FADOK, MARK A	
			ART UNIT	PAPER NUMBER
			3625	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		12/28/2006	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/749,682

Applicant(s)

PHILLIPS ET AL.

Examiner

Mark Fadok

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 1-15, 21 and 22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/26/2006</u> | 6) <input type="checkbox"/> Other: _____ |

Response to Election

The examiner is in receipt of applicant's response to office action mailed 8/24/2005, which was received 9/26/2006. Acknowledgement is made to the election Group IJ with traverse that includes claims 16-20. The applicant claims to elect with traverse, but no traverse was presented, therefore the examiner understands this to be an election without traverse.

Examiner's Note

Examiner has cited particular columns and line numbers or figures in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hurwitz (US 6,748,366) in view of Brewin.

In regards to claim 16, Hurwitz discloses a web server (FIG 1); and
an integrated shipping server, linked in communication with the web server
(FIG 1),

the web server and integrated shipping server comprising software
instructions that when executed enable a sender to arrange for shipment of a
package to a recipient via a shipping vendor by performing operations (FIG 2),
including:

generating and serving web pages via which shipping information pertaining to the
shipment may be automatically entered and/or manually entered by the sender FIG 2,
item 26); and

interacting with an on-line interface hosted by the shipping vendor to
arrange for shipment of the package via the shipping vendor through use of
the shipping information (col 5, lines 10-25);

receiving shipping data pertaining to the shipment from the shipping
vendor, said shipping data including data corresponding to a shipping label;
and generating and serving a web page, via which the shipping label may be
printed (col 4, lines 1-20).

Hurwitz teaches the transference of a shipping label to a seller, but does not
specifically mention that the label is printed from a web page. Brewin teaches using a

UPS browser to print out a shipping label. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include in Hurwitz, printing a label from a web page, because this is a notoriously well known means for the efficient transferal of electronic documentation and would provided another efficient means to the user to print out the document without having to access additional programs such as email.

In regards to claim 17, the combination of Hurwitz and Brewin teaches payment through the use of credit cards ect. (col 4, lines 40-50), but does not specifically mention that the payment for the shipping is being made by the seller. The examiner takes official notice that having a seller pay for the shipment is an option that was old and well known in the art at the time of the invention. It would have been obvious to a person having ordinary skill in the art at the time of the invention to include in Hurwitz, having the seller pay for the shipment, because this would allow addition functionality by allowing payment by the seller when an agreement is made between the buyer and seller that the seller will pay for the shipping costs.

In regards to claim 18, the combination of Hurwitz and Brewin teaches wherein the system is configured to be operable by a third-party payment service for which the seller has an account, and

facilitating payment of the shipment comprises:

providing payment from the third-party service to the shipping vendor; and deducting a shipping cost of the shipment from the Seller's third-party payment service account (col 3, lines 25-45).

In regards to claim 19, the combination of Hurwitz and Brewin teaches wherein payment from the third-party service to the shipping vendor is facilitated via interaction between the payment server and a debit/credit card authorization/settlement" network (col 3, lines 25-45).

In regards to claim 20, Hurwitz teaches payment by credit card, but does not specifically mention that the payment is made via a virtual debit card. The examiner takes official notice that the creation of a virtual credit card for use in payment for products or services was old and well known in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include in Hurwitz the generation of a virtual credit card, because this would be an efficient means for securing payment without the use of a personal credit card.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is **571.272.6755**. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Jeffrey A. Smith** can be reached on **571.272.6763**.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, Va. 22313-1450

or faxed to:

571-273-8300

[Official communications; including
After Final communications labeled
"Box AF"]

For general questions the receptionist can be reached at

571.272.3600

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mark Fadok

Primary Examiner